761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: January 14, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION II

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2315197
Incident:	Significant Force
Incident Date:	June 24, 2012
Unit:	North County Correctional Facility
Suspect:	Arturo Cayentano Garcia, MH/10-11-71
Involved Employees:	Deputy [redacted] Deputy [redacted] Deputy [redacted] Deputy Cesar Valiente, # [redacted]
EFRC Date:	January 10, 2013

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander David Fender, and Commander Buddy Goldman met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Peace officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent escape, or overcome resistance.

FINDINGS:

During evening count, the inmate (suspect) jumped from his bunk and ran toward the entrance of the 700 building directly at a deputy maintaining security at the entrance door. The deputy attempted to control the inmate who was struggling with the deputy. Deputies utilized a takedown maneuver and flashlight strike to control the inmate. The inmate was ultimately handcuffed despite his resistance and assaultive behavior. The inmate later admitted that he charged at the deputy in an attempt to be transferred from the dorm.

The Committee determined the force used by the deputies to defend themselves against the assaultive inmate was reasonable, necessary, and justified. The Committee also determined the tactics used by the deputies were within the Department's training standards.

RECOMMENDATIONS:

While the force and tactics were held within policy, the Committee recommended the unit commander, Captain Victor M. Trujillo, conduct a tactical debriefing regarding the unique circumstances of this incident.

MJR:JER:jer

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FO#2315197

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 912-01162-5640-145	Date: June 24, 2012	Time: 2040	
Location: 29340 The Old Road		City or Station: Castaic	
Bureau/Station/Facility: North County Correctional Facility		Admin. Investigation: YES ○ NO ◉	
Type of Force: Significant			
Deputy Injury : YES ◉ NO ○	Suspect Injury YES ◉ NO ○		
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ◉ NO ○	Person Notified: Sergeant Pat Libertone	Emp: [redacted]	IAB Roll Out: YES ◉ NO ○

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name
Sex: ◉ Male ○ Female	Race: H	Unit of Assignment: NCCF	Work Assignment (Unit #, Module, etc.): Building 700
Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty	Age: [redacted]	Height: 600 / Weight: 200
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ○ Significant Force ◉

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name
Sex: ◉ Male ○ Female	Race: H	Unit of Assignment: NCCF	Work Assignment (Unit #, Module, etc.): Building 700
Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty	Age: [redacted]	Height: 507 / Weight: 180
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ○ Significant Force ◉

E 3

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name
Sex: ◉ Male ○ Female	Race: H	Unit of Assignment: NCCF	Work Assignment (Unit #, Module, etc.): Building 700
Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty	Age: [redacted]	Height: 510 / Weight: 180
☒ Injured ☒ Treated ☐ Admitted	Hospital: Henry Mayo Hospital	Coroner Case #	Directed Force ○ Significant Force ◉

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Megrdle	Randolph		Sgt	YES ◉ NO ○	YES ◉ NO ○
					YES ○ NO ○	YES ○ NO ○

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Perez	John	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lopez	Victor	

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sergeant Carlos Flores | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

S[illegible]ervisor's Report on Use of F[illegible]e
SUSPECT INFORMATION

9 1 2 - 0 1 1 6 2 - 5 6 4 0 - 1 4 5

Suspect Information

S 1

Last Name: Garcia | First Name: Arturo | Middle Name: Cayentano

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 40 | Height: 508 | D.O.B. 10-11-71 | Weight: 160 | Armed? ☐

Booking #: 3202015 | Primary Charge Code: 243(b)PC | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ( ) YES (●) NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: Henry Mayo Hospital | Coroner Case #: ______ | Mental History ☐ User's guide provides direction on this entry

By Doctor: Dr. Clay Cormier | Address: 23845 McBean Parkway, Valencia | Phone #: 661 352-8000

Under Influence: ( ) YES (●) NO Substance: ______ | 5150 a factor in force ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 08-25-12 | Time: 1345 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ( ) YES ( ) NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ | Coroner Case #: ______ | Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ | Address: ______ | Phone #: ______

Under Influence: ( ) YES ( ) NO Substance: ______ | 5150 a factor in force ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ( ) YES ( ) NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ | Coroner Case #: ______ | Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ | Address: ______ | Phone #: ______

Under Influence: ( ) YES ( ) NO Substance: ______ | 5150 a factor in force ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

912 - 01162 - 5640 - 145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Megrdle	Randolph	
[redacted]	Gomez	Mario	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		47	[redacted]
Street Address: Los Angeles County Jail Inmate #[redacted]	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**
[redacted]	[redacted]		53	[redacted]
Street Address: Los Angeles County Jail Inmate #[redacted]	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**
[redacted]	[redacted]		27	[redacted]
Street Address: Los Angeles County Jail Inmate #[redacted]	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**
[redacted]	[redacted]		20	[redacted]
Street Address: Los Angeles County Jail Inmate #[redacted]	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**
[redacted]	[redacted]		29	[redacted]
Street Address: Los Angeles County Jail Inmate #[redacted]	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**
Street Address:	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**
Street Address:	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**
Street Address:	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**
Street Address:	**City:**	**Zip Code:**	**Work Ph.:**	**Home Ph.:**

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Arturo Garcia	S#1	Deputy [redacted]	E#1	ph,rs,pk	NN	NN
Arturo Garcia	S#1	Deputy [redacted]	E#2	RS	NN	NN
Arturo Garcia	S#1	Deputy [redacted]	E#3	ph,rs,pk	BR	BK
Arturo Garcia	S#1	Deputy Valiente	E#4	ph,rs,pk	NN	NN
Deputy [redacted]	E#1	Arturo Garcia	S#1	TT, CT	AB FR	BK,NK,SH
Deputy [redacted]	E#2	Arturo Garcia	S#1	CT	AB FR	BK,NK,SH
Deputy [redacted]	E#3	Arturo Garcia	S#1	TT,FL	AB FR	BK,NK,SH
Deputy Valiente	E#4	Arturo Garcia	S#1	TT,FL	AB, FR	BK,NK,SH

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

9 1 2 - 0 1 1 6 2 - 5 6 4 0 - 1 4 5

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Valiente	Cesar	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
(●) Male ( ) Female	H	NCCF	Building 700

Shift		Age	Height	Weight
( ) EM ( ) Day (●) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty	[redacted]	507	180

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case #: | ( ) Directed Force (●) Significant Force

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
(●) Male ( ) Female			

Shift		Age	Height	Weight
( ) EM ( ) Day (●) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty			

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case #: | ( ) Directed Force (●) Significant Force

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
( ) Male ( ) Female			

Shift		Age	Height	Weight
( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty			

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case #: | ( ) Directed Force ( ) Significant Force

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
( ) Male ( ) Female			

Shift		Age	Height	Weight
( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty			

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case #: | ( ) Directed Force ( ) Significant Force

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
( ) Male ( ) Female			

Shift		Age	Height	Weight
( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty			

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case #: | ( ) Directed Force ( ) Significant Force

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

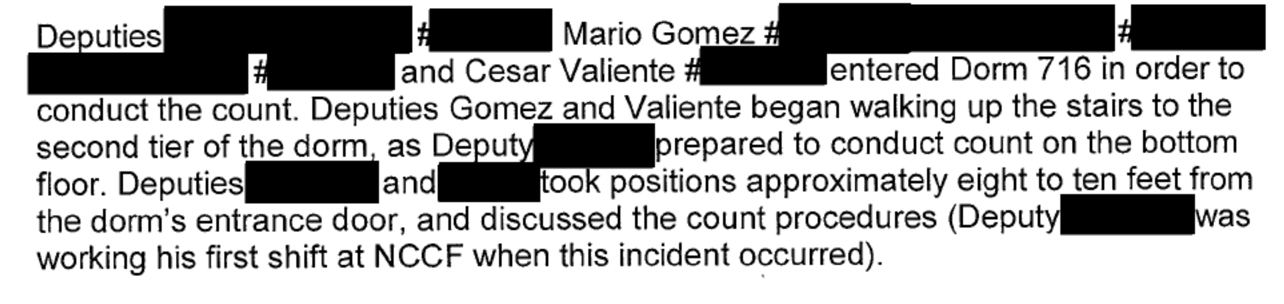
SIGNIFICANT FORCE INCIDENT SUMMARY

UNIT: North County Correctional Facility
DATE: June 24, 2012, Sunday
TIME: 2045 hours
LOCATION: 29340 The Old Road
URN#: 912-01162-5640-145
IAB#: FO2315197

NATURE OF INCIDENT:

On Sunday, June 24, 2012, at approximately 2040 hours, deputies working in the 700 building of the North County Correctional Facility (NCCF) began conducting the evening "wristband" count of the inmates.

> **IAB Note:** "Wristband" counts are conducted once every day at NCCF, at approximately 2030 hours. During the count the deputies must enter the inmate's housing area and physically examine each inmate's wristband. During the count the facility is on "lock down" status, and all inmates are ordered to lay face down on their bunks.



Deputies [redacted] #[redacted] Mario Gomez #[redacted] #[redacted] #[redacted] and Cesar Valiente #[redacted] entered Dorm 716 in order to conduct the count. Deputies Gomez and Valiente began walking up the stairs to the second tier of the dorm, as Deputy [redacted] prepared to conduct count on the bottom floor. Deputies [redacted] and [redacted] took positions approximately eight to ten feet from the dorm's entrance door, and discussed the count procedures (Deputy [redacted] was working his first shift at NCCF when this incident occurred).

As the deputies prepared to commence with the count, Suspect Inmate Arturo Garcia, Booking #3202015, suddenly stood up from his bunk (Bunk 14B), and began running toward Deputies [redacted] and [redacted] As the suspect approached Deputy [redacted] he (suspect) clenched his fists and raised his arms to chest level. Deputy [redacted] turned slightly to his left, in order to utilize his left shoulder as a shield. Deputy [redacted] then lifted his left arm, pushing Suspect Garcia away. The force caused Suspect Garcia to strike the metal bars, located toward the front of the dorm.

Deputy [redacted] quickly took hold of the front of the suspect's shirt in an effort to control him. Suspect Garcia began swinging his arms and hands in a violent manner, and attempted to break free of Deputy [redacted] grasp. Deputy [redacted] quickly responded and utilizing his flashlight struck the suspect two to three times on the front shin portion of his leg (unknown which leg). Deputies Valiente and Gomez responded from the dorm's top tier and assisted in taking Suspect Garcia down to the floor. Suspect Garcia was wrestled to the floor, on his chest. Once on the floor Suspect Garcia continued to swing his fists, kick his feet, and violently turn his body. The suspect's actions stifled the deputies' efforts to control and handcuff him.

The deputies shouted orders for the suspect to stop fighting, but he would not comply. Deputy Valiente then struck the suspect two to four times on his right upper torso, utilizing his flashlight. Deputy Valiente then placed his right knee on the suspect's back, in order to control the suspect. Deputy [redacted] also responded and assisted the deputies in controlling the suspect. Deputy [redacted] took hold of the suspect's left arm, at which point Deputy [redacted] placed his handcuffs on the suspect's left wrist. Deputy [redacted] was then able to control the suspect's right arm, and was able to completely handcuff the suspect. The suspect then ceased his resistance.

Suspect Garcia was taken to the NCCF infirmary in order for him to be treated for his injuries. He was subsequently transported to Henry Mayo Newhall Memorial Hospital, located at 23845 McBean Parkway, in the city of Valencia, for additional treatment. During his treatment it was determined that Suspect Garcia had sustained three fractured ribs on the right side of his body.

Internal Affairs Bureau (IAB) Lieutenant Patrick Libertone was notified of the incident on June 25, 2012, at 0110 hours. Because it was not known that the suspect had sustained fractured ribs until several hours after the incident, an IAB response team did not respond on the night of the incident. Internal Affairs Bureau Sergeant Carlos Flores was assigned to conduct an administrative review of the incident. The following review is based on written documentation and interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

[redacted] - Deputy Sheriff, Employee #[redacted] MH/[redacted] 600/200lbs.
North County Correctional Facility
Custody Division

Date of Employment: 11-07-2011
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] - Deputy Sheriff, Employee #[redacted] MH/[redacted] 507/180lbs.
North County Correctional Facility
Custody Division

Date of Employment: 01-12-2006
Date Assigned to Unit: [redacted]
Prior founded Force Incidents: [redacted]

[redacted] - Deputy Sheriff, Employee #[redacted] MH/[redacted] 510/180lbs.
North County Correctional Facility
Custody Division

Date of Employment: 03-18-2009
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents: [redacted]

Valiente, Cesar - Deputy Sheriff, Employee #[redacted] MH/[redacted] 507/180lbs.
North County Correctional Facility
Custody Division

Date of Employment: 12-06-2006
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT:

Garcia, Arturo Cayentano

Sex:	Male
Race:	Hispanic
Date of Birth:	October 11, 1971
Height:	508
Weight:	160
Booking #	3202015
Charge:	243 (c) PC, Battery on Peace Officer
Injury:	Fractured ribs, abrasions, contusions

The Consolidated Criminal History System reveals that Suspect Garcia [redacted]

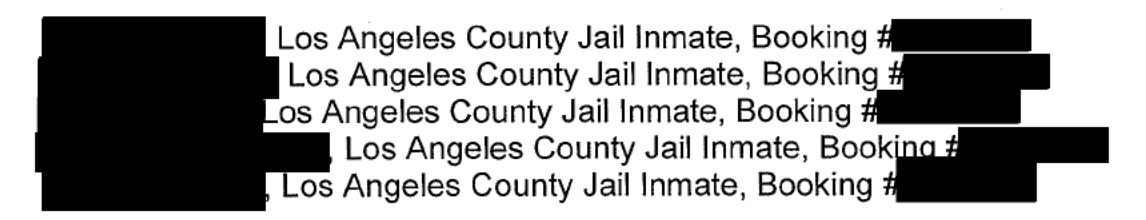
IAB Note: A copy of Suspect Garcia's criminal history is included in this report. See **Exhibit C**. Suspect Garcia's "Inmate Information"

Sheet is also included. See **Exhibit D**.

DEPARTMENT WITNESSES:

Cartmill, Rick, #[redacted] Sergeant
Megrdle, Randolph, #[redacted] Sergeant
Gomez, Mario, #[redacted] Deputy

NON-DEPARTMENT WITNESSES:


[redacted] Los Angeles County Jail Inmate, Booking #[redacted]
[redacted] Los Angeles County Jail Inmate, Booking #[redacted]
[redacted] Los Angeles County Jail Inmate, Booking #[redacted]
[redacted], Los Angeles County Jail Inmate, Booking #[redacted]
[redacted], Los Angeles County Jail Inmate, Booking #[redacted]

INVOLVED EMPLOYEE STATEMENTS:

Deputy [redacted] #[redacted] was interviewed on September 28, 2012, at 1313 hours, by Internal Affairs Bureau Sergeant Carlos Flores. Deputy [redacted] was represented by Attorney Erica Gurrola. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded.

Deputy [redacted] said he authored an Incident Report, documenting the event, and his actions (**Exhibit A**). He said his report is a full, complete and accurate account of the incident.

Deputy [redacted] stated that he entered Dorm 716 in order to conduct the evening's wristband count. He stated that he entered with Deputies [redacted] [redacted], Valiente and Gomez. He said Sergeant Megrdle took a position of security at the dorm's door. Deputy [redacted] stated that his intention was to count the inmates that were assigned to the bunks at the rear of the dorm.

Deputy [redacted] stated that approximately 30 seconds after entering the dorm, he heard one of the deputies shout, "watch out." He stated that he then saw Suspect Garcia running directly toward him. He said that Suspect Garcia had his hands up and clenched into a fist. Deputy [redacted] stated that he immediately formed the opinion that Suspect Garcia was attacking him.

Deputy [redacted] stated that he utilized his left shoulder as a shield, and, "braced for the impact." He said that as Suspect Garcia made contact with him, he ([redacted] raised his left arm in order to push the suspect away. Deputy [redacted] stated that he immediately took hold of the suspect's shirt, at chest level, and pressed him against the bars inside the dorm. He stated that his intention was to stop the threat and control

the inmate. Deputy [redacted] stated that the suspect began swinging his fists, in an apparent attempt to assault him. He said he was able to avoid getting struck by the suspect by extending his arms, and keeping the suspect at a distance.

Deputy [redacted] stated that Deputies [redacted] and [redacted] came to his aid, and they were able to "wrestle" the suspect down to the ground. He said that once on the ground, the suspect continued to swing his fists and kick his legs. He stated that he assisted Deputy [redacted] in controlling the suspect's left arm, and was able to place a handcuff on his wrist. He said he then was able to control the suspect's right arm and complete the handcuffing. He said he believed that Deputies Valiente and Gomez assisted in handcuffing the suspect, but was not certain. He said that after the suspect was handcuffed, there was no need for additional force.

Deputy [redacted] stated that he did not witness Deputy [redacted] or Deputy Valiente utilize their flashlights. He said that though he did not witness the flashlight strikes, he believes that, based on the suspect's actions, the use of the flashlights was appropriate. He stated that the incident occurred so quickly, that he had no time to retrieve his Oleoresin Capsicum. He stated that he estimated the incident lasting approximately 45 seconds.

For his complete statement, refer to Deputy [redacted] interview transcript, included in this case book.

Deputy [redacted] #[redacted] was interviewed on September 28, 2012, at 1414 hours, by Internal Affairs Bureau Sergeant Carlos Flores. Deputy [redacted] was represented by Attorney Erica Gurrola. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded.

Deputy [redacted] said he authored a supplemental report, documenting the event, and his actions (**Exhibit B, Page 3**). He said his report is a full, complete and accurate account of the incident.

Deputy [redacted] stated that he entered Dorm 716 in order to conduct the evening's wristband count. He stated that he entered the dorm with Deputies [redacted] Valiente and Gomez. He said Sergeant Megrdle took a position at the dorm's door. Deputy [redacted] stated that his intention was to count the inmates assigned to bunks 11 through 18.

Deputy [redacted] stated that as he prepared to conduct the count, he observed Suspect Garcia get off his bunk. He said he then saw Suspect Garcia run toward Deputies [redacted] and [redacted] who were standing close to the dorm's door. Deputy [redacted] stated that based on the suspect's "speed and aggressiveness" he formed the opinion that the suspect was intending to assault the deputies. Deputy [redacted] stated that he then shouted to the deputies to, "Watch out."

Deputy [redacted] stated that he saw Deputy [redacted] use the weight of his body and push the suspect against the steel bars inside the dorm. He said the suspect began swinging his arms and kicking his legs. He said the suspect was also "twisting" his body, in an apparent attempt to break Deputy [redacted] grip. Deputy [redacted] said he then saw that Deputy [redacted] responded and began assisting Deputy [redacted] He said that it appeared that Deputies [redacted] and [redacted] were utilizing their body weight in order to get the suspect down to the floor. Deputy [redacted] said he [redacted] then focused his attention on the other inmates in the dorm.

Deputy [redacted] stated that he focused on the other inmates due to his fear that they might get involved. He stated that he then responded and assisted Deputies [redacted] and [redacted] He said that he saw the suspect laying face down on the floor, swinging his arms and kicking his legs. He said he took hold of the suspect's left hand. He said that due to the suspect's actions and strength, it took both his [redacted] hands to control the suspect left hand. He said he and the other deputies were shouting commands to the suspect to stop fighting, but he would not comply.

Deputy [redacted] stated that with the aid of Deputy [redacted] they were able to completely handcuff the suspect. He stated that once the suspect was handcuffed, he [redacted] again focused his attention to the other inmates. He said he ordered all the inmates to remain on their bunk with their heads down. Deputy [redacted] stated that during the struggle with the suspect, he was only aware of Deputy [redacted] and Deputy [redacted] presence. He said he did not see Deputies Valiente and Gomez. He stated that he did not observe anybody strike the suspect.

Deputy [redacted] stated that the struggle with the inmate lasted approximately one minute. He said that though he did not witness the use of the flashlights, he believes their use was appropriate. He said that based on the fact that there were 70 other inmates present, their goal was to "contain" the situation as fast as possible. Deputy [redacted] stated that based on the close proximity of the other deputies, the use of Oleoresin Capsicum was not an option.

For his complete statement, refer to Deputy [redacted] interview transcript, included in this case book.

Deputy [redacted] **#** [redacted] was interviewed on September 17, 2012, at 1447 hours, by Internal Affairs Bureau Sergeants Carlos Flores and John Trani. Deputy [redacted] was represented by Attorney Erica Gurrola. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded.

Deputy [redacted] said he authored a supplemental report, documenting the event, and his actions (**Exhibit B, Page 2**). He said his report is a full, complete and accurate account of the incident.

Deputy [redacted] stated that he entered Dorm 716 with Deputies [redacted] Valiente,

[redacted] and [redacted] in order to conduct the evening "wristband count." He said that Sergeant Megrdle took a position at the dorm's door, in order to provide security. He said that when they entered the dorm, he began discussing the count procedures with Deputy [redacted] He said it was Deputy [redacted] first night working at NCCF.

Deputy [redacted] said he began showing Deputy [redacted] the dorm's inmate roster as they prepared to start their count. He said he then heard someone shout, "Watch out, there's one running," and he looked up and saw Suspect Garcia running toward them. Deputy [redacted] said that he immediately formed the opinion that Suspect Garcia was preparing to attack him and Deputy [redacted] He said that the suspect's hands were clenched in a fist as he ran toward them.

Deputy [redacted] said he took a step to his right and shouted to Deputy [redacted] to, "Watch out." He said Deputy [redacted] was able to pin Suspect Garcia against the steel bars located by the dorm's door. He said that he then saw Suspect Garcia swing his fist, in an apparent attempt to continue his assault on him and Deputy [redacted]

Deputy [redacted] said he feared the other inmates were going to join in the assault on deputies, and his goal was to put an end to the incident as quick as possible. He said he retrieved his flashlight and struck the suspect two to three times on one of the suspect's shins. He said that Deputy Valiente then came to their assistance, and they took the suspect down to the floor. Deputy [redacted] stated that he believes his use of the flashlight, coupled with Deputy Valiente's assistance, caused the suspect to go down to the floor. He said he believes his use of the flashlight was a necessary and effective tool.

IAB Note: During his interview Deputy [redacted] was shown a black metal "Streamlight" flashlight, Model SL-20X. He said that the flashlight was similar to the one he used on the day of the incident. A photograph of the flashlight shown to Deputy [redacted] is included in this case book. See **Exhibit E**.

Deputy [redacted] said that the suspect landed on the floor, on his stomach. He said he and the other deputies were then attempting to control the suspect's legs and arms, which the suspect was violently swinging and kicking. Deputy [redacted] said he focused on the suspect's legs, attempting to control them. He said he heard the other deputies shout commands to the suspect to stop fighting, but the suspect would not comply.

Deputy [redacted] said he then saw Deputy Valiente strike the suspect with his flashlight, which was similar to the one he was carrying (**Exhibit E**). He said Deputy Valiente struck the suspect two to three times in the side rib cage area of his body. Deputy [redacted] said that Deputy Valiente's flashlight strikes caused the suspect to surrender his arm that was tucked underneath his body. He said that they were then able to control and handcuff the suspect. Deputy [redacted] said that based on the suspect's actions, he believes that his and Deputy Valiente's use of their flashlights was appropriate and

necessary. He said that besides their "take down" and their use of the flashlights, he did not witness any other force used by the other deputies.

Deputy [redacted] said that the incident lasted approximately 45 to 50 seconds. He said that he [redacted] injured his back during the incident, and believes it occurred when they took the suspect down to the floor. Deputy [redacted] described his injury as a "pulled muscle," which caused him to miss three days of work.

For his complete statement, refer to Deputy [redacted] interview transcript, included in this case book.

Deputy Cesar Valiente, #[redacted] was interviewed on September 26, 2012, at 1023 hours, by Internal Affairs Bureau Sergeants Carlos Flores and John Trani. Deputy Valiente was represented by Attorney Erica Gurrola. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded.

Deputy Valiente said he authored a supplemental report, documenting the event, and his actions (**Exhibit B, Page 1**). He said his report is a full, complete and accurate account of the incident.

Deputy Valiente stated that he entered Dorm 716 in order to conduct the evening count. He stated that he entered the dorm with Deputies [redacted] Gomez and [redacted] He stated that Sergeant Megrdle took a position at the dorm's door. He said that he and Deputy Gomez began walking up the stairs to the second tier, in order to conduct the count there.

Deputy Valiente said that as he walked up the stairs, he saw Suspect Garcia running toward Deputy [redacted] He said he shouted out, "watch out, we have one running," and he (Valiente) began running back down the stairs. He said the suspect had his hands up and clenched in a fist as he ran toward Deputy [redacted] He said he believed Suspect Garcia's intentions were to attack deputy personnel. Deputy Valiente said that as he approached Deputies [redacted] and [redacted] they were in the process of taking the suspect down to the floor.

Deputy Valiente said the suspect landed on his stomach, but continued to fight, swinging his clenched fists and kicking his feet. Deputy Valiente stated that they attempted to gain control of the suspect, but they were having difficulty restraining him. Deputy Valiente stated that his goal was to put an end to the suspect's actions as quick as possible, due to the fact that there were inside a dorm full of inmates. He said it is not uncommon for other inmates to get involved, when they see an inmate involved in an altercation with deputies.

Deputy Valiente stated that the suspect placed one of his arms underneath his body, and continued kicking his legs. He said that he struck the suspect two to four times on the right side of his upper torso, utilizing his flashlight. He said immediately after the

flashlight strikes, they were able to control the suspect's arms, and he was handcuffed. Deputy Valiente stated that based on the suspect's actions, he believed that the use of the flashlight was appropriate, and proved to be effective. He said that the use of Oleoresin Capsicum would have possibly made the situation worse, by negatively effecting the deputies. Deputy Valiente stated that the use of the taser would have been difficult, based on the positioning of the deputies around the suspect.

IAB Note: During his interview Deputy Valiente was shown a photograph of a black metal "Streamlight" flashlight. He stated that the flashlight he utilized during the incident is similar to the one in the photograph. The photograph is included with this transcript. The photograph is also included in **Exhibit E**.

Deputy Valiente stated that once he approached the suspect, he was unaware of what Deputy [redacted] and Deputy [redacted] were doing. He said he did not see Deputy [redacted] He said that during the struggle with the suspect, he became aware that Deputy Gomez had taken a position a short distance away. He said Deputy Gomez was providing security for them so that other inmates would not get involved. He said that in this type of situation, he expects a deputy to watch the other inmates. Deputy Valiente stated that the entire incident lasted approximately one minute.

For his complete statement, refer to Deputy Valiente's interview transcript, included in this case book.

SUSPECT'S STATEMENTS:

Suspect Arturo Garcia is a Los Angeles County Inmate, housed at North County Correctional Facility. He was interviewed by NCCF Sergeant Rick Cartmill #[redacted] on June 24, 2012, at approximately 2100 hours. The interview was conducted at the NCCF Infirmary and was video recorded.

IAB Note: Sergeant Cartmill summarized his interview with Suspect Garcia in a supplemental report. A copy of that report is included in this case book. See **Exhibit B, Page 4**. A copy of the video recording is also included, see **Exhibit G, Disc 1**.

On June 25, 2012, at approximately 1345 hours, Suspect Garcia was interviewed a second time by Internal Affairs Bureau Sergeant John Trani. The interview was conducted at NCCF and was digitally audio recorded. Suspect Garcia's statement and description of the incident during this interview was essentially the same as he provided to Sergeant Cartmill. However, during this interview he was asked to elaborate further in his description of the incident.

Suspect Garcia stated that since his arrival at NCCF on June 22, 2012, he began having problems with other inmates in dorm 716. He said he had been in two fights

with other inmates, in which he had been punched and kicked numerous times on the face and body. He also claimed he was threatened with further violence if he did not assist in the attack of another inmate. Suspect Garcia said he was told by other inmates that due to his refusal to take part in the attack of another inmate, he was going to be "beat up" by several inmates within the dorm.

Suspect Garcia said he was told by inmates that he would be attacked after the deputies finished their evening count. He said he also believed he was also going to be stabbed, because he saw other inmates in the dorm in possession of a jailhouse knife. Suspect Garcia said that these incidents were never witnessed by deputies or reported by other inmates. Suspect Garcia said he was reluctant to tell the deputies of his problems in the dorm, believing it would do no good. He felt an escape from the dorm was his only alternative.

Suspect Garcia said he was lying on his bunk and waiting for the deputies to open the dorm door for the pm shift wristband count. As the door opened and the deputies entered the dorm, he quickly ran toward the exit door. He said a deputy was directly in his pathway as he continued to charge toward the open door. He said the deputy in his path did not see him, until other deputies shouted out, "Where do you think you're going." He said he figured he would have to "push him (deputy) or something" in order to get out of the dorm.

Suspect Garcia said when he reached the door, he jumped at the deputy. The deputy then raised his arm striking him in the chest area, causing him to fall against the dorm wall. He said he was then grabbed by the shirt by another deputy, who threw him down on the ground. Suspect Garcia said he hit the ground, striking his face on the floor. He said he then "blacked out." He said when he awakened, he felt "drunk" and his vision was obscured. He said he began struggling with the deputies while on the ground, by throwing his arms and elbows from side to side. He said he did not recall the deputies doing anything other than controlling his body and placing a knee on the small of his back.

Suspect Garcia said that after he stopped struggling, two deputies lifted him off the ground and dragged him to another room and sat him on the floor. He said he was eventually taken to the infirmary, where he was treated by the jail medical staff and paramedics. Suspect Garcia said his back hurt and that he had bruising to his face and knee. He was later transported to the hospital and treated for a bruised back and fractured ribs.

IAB Note: At the conclusion of Suspect Garcia's interview, Sergeant Trani contacted the Watch Sergeant, Sergeant Edward Sheridan. Sergeant Trani advised him of Suspect Garcia's statement regarding prior fights with other inmates and a possible jail made weapon inside the dorm.

DEPARTMENT WITNESS STATEMENTS:

Witness Sergeant Rick Cartmill, #[redacted] was interviewed on September 11, 2012, at 2044 hours, by Internal Affairs Bureau Sergeants Carlos Flores and David Ladjevic. The interview was conducted at the North County Correctional Facility, and was digitally audio recorded.

> **IAB Note:** Witness Cartmill did not witness the incident, but conducted the canvassing for witnesses and interviewed the suspect. Witness Cartmill also documented his actions in two supplemental reports. See **Exhibit B, Pages 4 and 5**. He was interviewed in order to clarify an error discovered in one of his reports by Internal Affairs Bureau investigators. A corrected report was not written.

Sergeant Cartmill stated that he made an error in his supplemental report in which he documented his contact with potential witnesses **(Exhibit B, Page 5)**. He stated that on page three of his report he erroneously attributed Inmate Witness [redacted] statement to Witness Inmate [redacted]

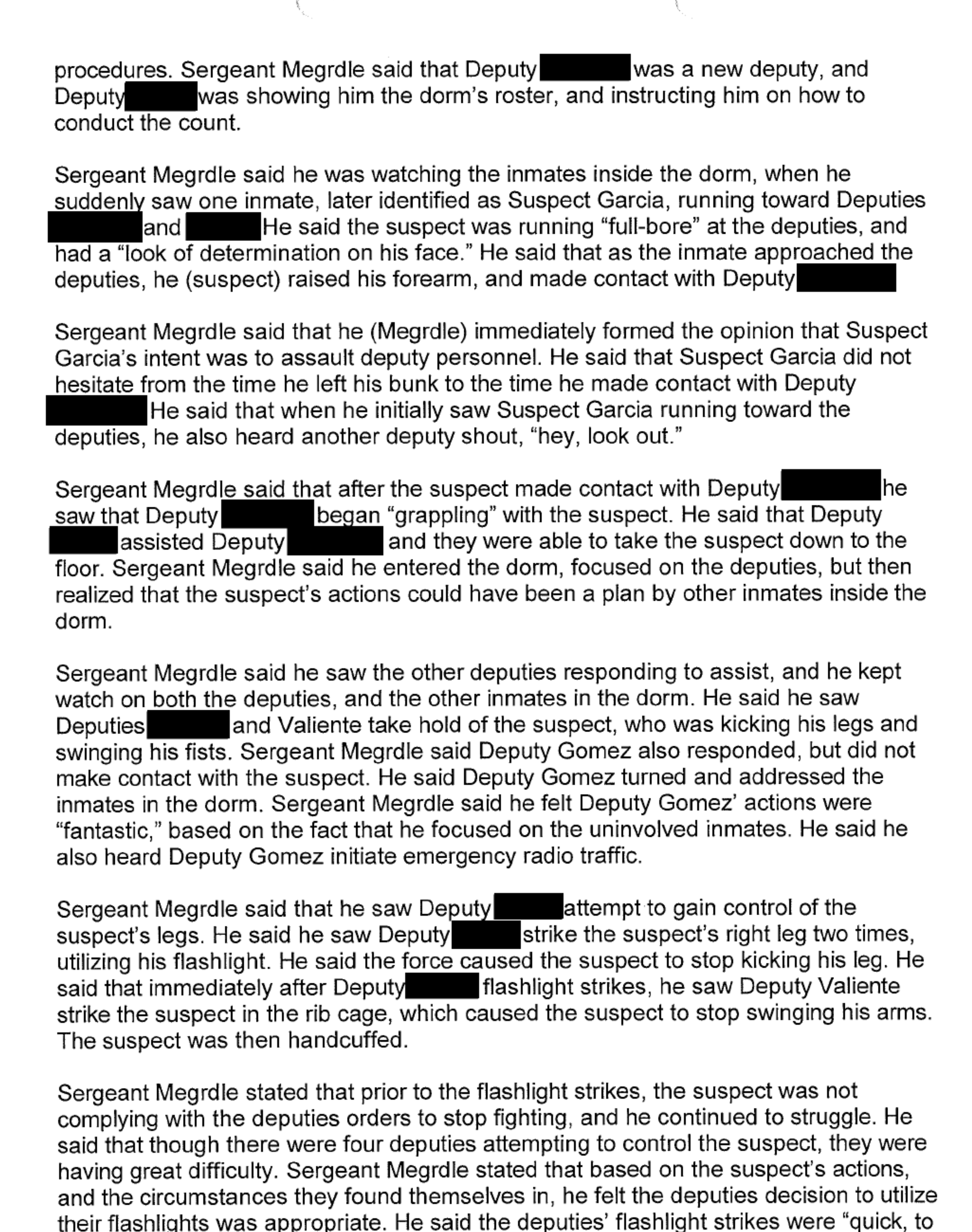
Sergeant Cartmill stated that his only involvement in the incident was the interviewing of the suspect and potential witnesses. He stated that as he interviewed potential witnesses he obtained a short statement and advised them that another sergeant would later be obtaining a more complete statement from them. Sergeant Cartmill stated that he did not witness any portion of the incident.

Witness Sergeant Randolph Megrdle, #[redacted] was interviewed on September 11, 2012, at 2103 hours, by Internal Affairs Bureau Sergeants Carlos Flores and David Ladjevic. The interview was conducted at the North County Correctional Facility, and was digitally audio recorded.

Sergeant Megrdle said he authored a supplemental report, documenting the event, and his observations (**Exhibit B, Page 7**). He said his report is a full, complete and accurate account of the incident.

Sergeant Megrdle stated that on June 24, 2012, he was assigned to work the 700 building of NCCF. He said that he assisted the deputies in conducting the evening's wristband count by taking a position of security at the dorm's door. He said that by assisting the deputies, it allowed an additional deputy to enter the dorm during the count.

Sergeant Megrdle said that he took a position at the door of Dorm 716. He said that he saw five deputies enter the dorm and prepare to conduct the count. Sergeant Megrdle identified the deputies as [redacted], [redacted] Valiente, and Gomez. He said that after entering the dorm, the deputies took different positions. He said he saw Deputy [redacted] and Deputy [redacted] standing close to the dorm's door, discussing the count



procedures. Sergeant Megrdle said that Deputy [redacted] was a new deputy, and Deputy [redacted] was showing him the dorm's roster, and instructing him on how to conduct the count.

Sergeant Megrdle said he was watching the inmates inside the dorm, when he suddenly saw one inmate, later identified as Suspect Garcia, running toward Deputies [redacted] and [redacted] He said the suspect was running "full-bore" at the deputies, and had a "look of determination on his face." He said that as the inmate approached the deputies, he (suspect) raised his forearm, and made contact with Deputy [redacted]

Sergeant Megrdle said that he (Megrdle) immediately formed the opinion that Suspect Garcia's intent was to assault deputy personnel. He said that Suspect Garcia did not hesitate from the time he left his bunk to the time he made contact with Deputy [redacted] He said that when he initially saw Suspect Garcia running toward the deputies, he also heard another deputy shout, "hey, look out."

Sergeant Megrdle said that after the suspect made contact with Deputy [redacted] he saw that Deputy [redacted] began "grappling" with the suspect. He said that Deputy [redacted] assisted Deputy [redacted] and they were able to take the suspect down to the floor. Sergeant Megrdle said he entered the dorm, focused on the deputies, but then realized that the suspect's actions could have been a plan by other inmates inside the dorm.

Sergeant Megrdle said he saw the other deputies responding to assist, and he kept watch on both the deputies, and the other inmates in the dorm. He said he saw Deputies [redacted] and Valiente take hold of the suspect, who was kicking his legs and swinging his fists. Sergeant Megrdle said Deputy Gomez also responded, but did not make contact with the suspect. He said Deputy Gomez turned and addressed the inmates in the dorm. Sergeant Megrdle said he felt Deputy Gomez' actions were "fantastic," based on the fact that he focused on the uninvolved inmates. He said he also heard Deputy Gomez initiate emergency radio traffic.

Sergeant Megrdle said that he saw Deputy [redacted] attempt to gain control of the suspect's legs. He said he saw Deputy [redacted] strike the suspect's right leg two times, utilizing his flashlight. He said the force caused the suspect to stop kicking his leg. He said that immediately after Deputy [redacted] flashlight strikes, he saw Deputy Valiente strike the suspect in the rib cage, which caused the suspect to stop swinging his arms. The suspect was then handcuffed.

Sergeant Megrdle stated that prior to the flashlight strikes, the suspect was not complying with the deputies orders to stop fighting, and he continued to struggle. He said that though there were four deputies attempting to control the suspect, they were having great difficulty. Sergeant Megrdle stated that based on the suspect's actions, and the circumstances they found themselves in, he felt the deputies decision to utilize their flashlights was appropriate. He said the deputies' flashlight strikes were "quick, to

the point, no lingering assaults on this guy. Sharp to the point. Got the job done." Sergeant Megrdle said he did not know if the suspect's actions were part of a bigger plan to assault deputies, and he believes the deputies were thinking the same. He said the deputies just wanted to end the incident as quick as possible, due to the tense situation of being inside a dorm full of inmates.

Sergeant Megrdle said that though there were other tools available, the incident occurred so fast that the deputies utilized what they had immediately available. He said he has "no doubt" that the deputies acted appropriately in subduing the suspect. He said that during the incident he and the deputies shouted several commands at the suspect to stop fighting, but he suspect was violently struggling the whole time. Sergeant Megrdle said the incident lasted approximately one minute and a half to two minutes.

Sergeant Megrdle said that after the incident was over, he talked to the suspect who told him that he wanted to get out of the dorm due to threats by other inmates. Sergeant Megrdle said that if the suspect wanted to only get out of the dorm, he could have taken other routes to the dorm's door. He said he could not understand why he ran toward the deputies instead. Sergeant Megrdle said he also debriefed the incident with the involved deputies.

For his complete statement, refer to Sergeant Megrdle's interview transcript, included in this case book.

Witness Deputy Mario Gomez #[redacted] was interviewed on September 17, 2012, at 1409 hours, by Internal Affairs Bureau Sergeants Carlos Flores and John Trani. Deputy Gomez was represented by Attorney Erica Gurrola. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded.

Deputy Gomez said he authored a supplemental report, documenting the event, and his actions (**Exhibit B, Page 6**). He said his report is a full, complete and accurate account of the incident.

Deputy Gomez stated that he entered Dorm 716 in order to conduct the evening's "wristband count." He said he entered with Deputies [redacted] Valiente, and [redacted] He said Sergeant Megrdle stayed by the dorm's door, in order to provide security. He said that he and Deputy Valiente walked up the stairs to the upper tier, in order to count the inmates housed in that area.

Deputy Gomez said that as he prepared to begin his count, he heard Deputy Valiente shout, "Watch out." He said he then looked down and saw Suspect Garcia running toward deputies. Deputy Gomez said that the suspect ran straight at Deputy [redacted] and it did not appear he (suspect) made any attempt to stop. Deputy Gomez stated that based on his observations of the suspect's actions, he formed the opinion that the suspect was attacking Deputy [redacted]

Deputy Gomez said he immediately began running back down to the main floor of the dorm. He said that as he ran down the stairs he saw several of the other inmates were getting off of their bunks. Deputy Gomez said he believed the inmates were preparing to get involved in the assault on deputies. Deputy Gomez said he began to order the inmates back on their bunks. Deputy Gomez said that it is common for Hispanic inmates to become involved in fights with deputies, when they (Hispanic inmates) observe a Hispanic inmate involved in an altercation with deputies.

Deputy Gomez said that he did see when the suspect made contact with Deputy [redacted] He said Deputy [redacted] used his body to force the suspect against the steel bars located by the door, and they ended up on the floor. He said that was the extent of the force he observed, due to the fact that he then focused his attention to the other inmates. Deputy Gomez said he knew the other deputies had responded and were assisting Deputy [redacted] because he could hear them shouting at the suspect to stop fighting. Deputy Gomez said he had taken a position approximately 10 to 15 feet away from the suspect and the deputies.

For his complete statement, refer to Deputy Gomez' interview transcript, included in this case book.

NON-DEPARTMENT WITNESS STATEMENTS:

Shortly after the incident occurred, NCCF Sergeant Rick Cartmill #[redacted] conducted a search for witnesses. Sergeant Cartmill contacted each inmate assigned to Dorm 716 and asked if they had witnessed the incident. Sergeant Cartmill identified four inmates who witnesses portions of the incident: [redacted] and [redacted] Sergeant Cartmill identified the witnesses, obtained a short statement, and advised them that another sergeant would be interviewing them later. Sergeant Cartmill's contact with the witnesses was video recorded.

IAB Note: Sergeant Cartmill documented his actions and the witnesses' statements in a supplemental report. In his report Sergeant Cartmill erroneously attributed Witness [redacted] statement to Witness [redacted] A copy of that report is included in this case book. See **Exhibit B, Page 5**. The video recording is also included. See **Exhibit G**.

Witness [redacted] is a Los Angeles County Jail inmate with a booking number of [redacted] When the incident occurred Witness [redacted] was assigned to Dorm 716 and was present. He was interviewed by NCCF Sergeant Cartmill on June 24, 2012.

IAB Note: Witness [redacted] is a Spanish speaker only. During the interview Sergeant Cartmill was assisted by Deputy Arturo Atilano #[redacted] who is a Spanish speaker. To view Witness [redacted] video recorded statement see **Exhibit G, Compact Disc Number**

Three, video #58, at 24:25 minutes into the recording.

Witness [redacted] stated that he saw an inmate (Suspect Garcia) running in the dorm, toward the door. He said he did not see anything else.

IAB Note: Because Witness [redacted] was adamant that he had seen nothing else, he was not re contacted by IAB investigators.

Witness [redacted] is a Los Angeles County Jail inmate with a booking number of [redacted] When the incident occurred Witness [redacted] was assigned to Dorm 716 and was present. He was interviewed by NCCF Sergeant Cartmill on June 24, 2012.

Witness [redacted] said that he saw an inmate (Suspect Garcia) running in the dorm, and then saw that he (Garcia) was on the ground. He said he did not see how the inmate ended up on the ground.

IAB Note: In his supplemental report, Sergeant Cartmill erroneously attributed Witness [redacted] statement to Witness [redacted] To view Witness [redacted] video recorded statement see **Exhibit G, Compact Disc Number Three, video #59, at 1:55 minutes into the recording**.

Witness [redacted] was re-interviewed by Internal Affairs Bureau Sergeant John Trani on June 25, 2012, at approximately 1501 hours,. The interview was conducted at NCCF, and was digitally audio recorded (**Exhibit H**).

Witness [redacted] said during the evening count he saw an inmate (Suspect Garcia) running from the dorm's day room toward the door of the dorm. He said it appeared to him that Suspect Garcia was running at "full speed." He said he saw the suspect run toward the deputies, and ended up on the ground. Witness [redacted] said he does not know how the deputies took the suspect down to the ground. He said he then saw that the suspect put his hands over his head.

Witness [redacted] said he saw a deputy strike the suspect one or two times with what he believed was a flashlight or "billy club." Witness [redacted] said that soon after the suspect went down to the floor, he (Garcia) was surrounded by several deputies. He said the deputies obstructed his view of the suspect, so he was uncertain what movements, if any, the suspect was doing. Witness [redacted] said the incident lasted approximately four to ten seconds. He said that immediately after the incident began, he and the other inmates inside the dorm were instructed by responding deputies to immediately put their heads down. Witness [redacted] said he complied with the deputies orders.

Witness [redacted] is a Los Angeles County Jail inmate with a booking number of [redacted] When the incident occurred Witness [redacted] was assigned to Dorm 716 and was present. He was interviewed by NCCF Sergeant Cartmill on June 24, 2012.

Witness [redacted] stated that he saw the suspect (Garcia) run to the door of the dorm, and the deputies stopped him. He said he did not see anything after that, because deputies ordered all the inmates to put their heads down.

IAB Note: To view Witness [redacted] video recorded statement see **Exhibit G, Compact Disc Number Three, video #58, at 8:55 minutes into the recording**.

Witness [redacted] was re-interviewed by Internal Affairs Bureau Sergeant John Trani on June 25, 2012, at approximately 1430 hours,. The interview was conducted at NCCF, and was digitally audio recorded (**Exhibit H**).

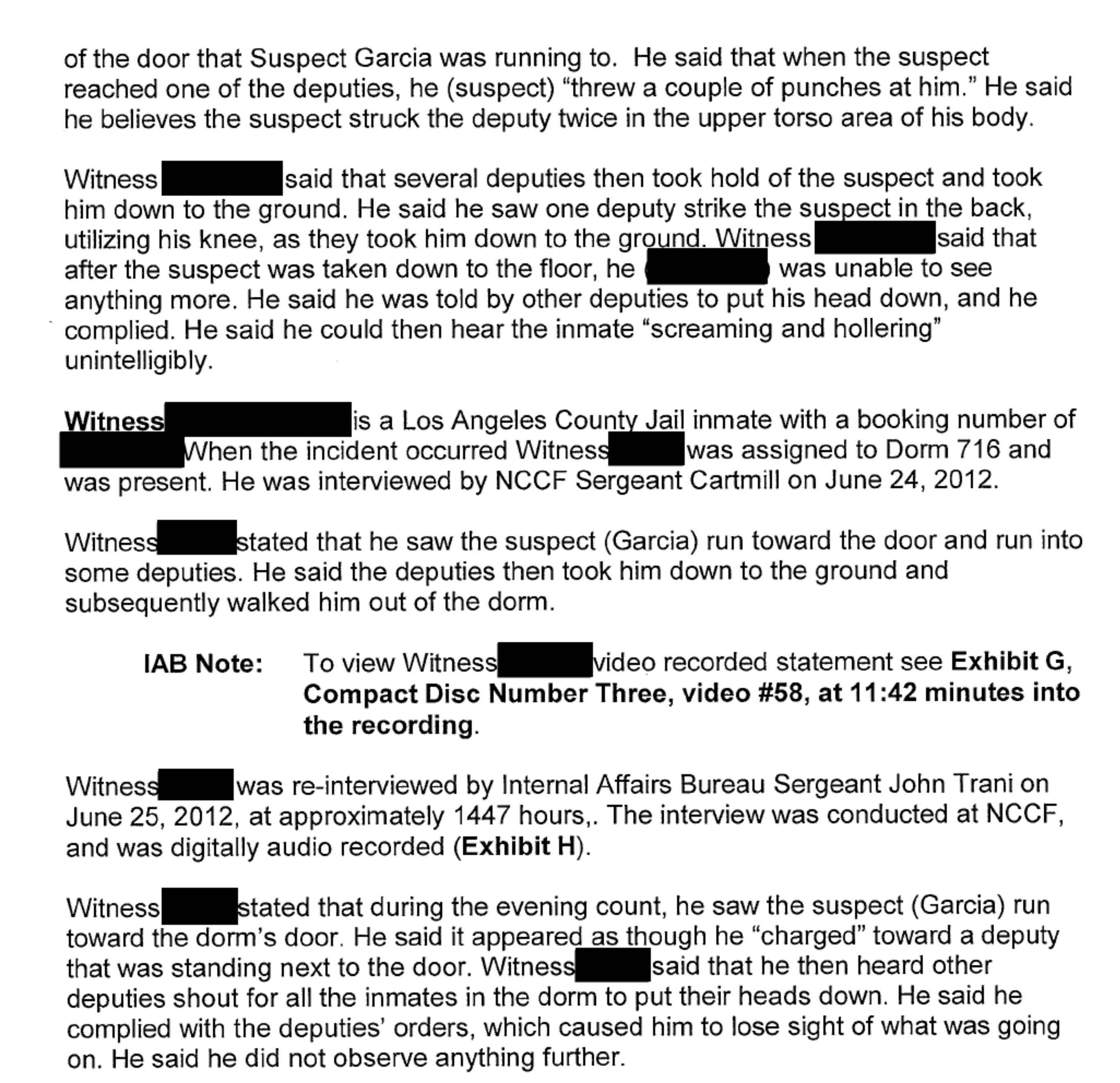
Witness [redacted] stated that during the evening count he saw the suspect (Garcia) run toward the door of the dorm. He said he then saw two deputies take hold of the suspect and "wrestled" him down to the ground. Witness [redacted] said that deputies immediately told all the inmates to put their heads down, and he complied. He said that he was then unable to get a clear view of what was occurring, due to the fact that his bunk is in the rear of the dorm, thus his view was obstructed. He said it sounded as though the inmate was "struggling" with the deputies.

Witness [redacted] is a Los Angeles County Jail inmate with a booking number of [redacted] When the incident occurred Witness [redacted] was assigned to Dorm 716 and was present. He was interviewed by NCCF Sergeant Cartmill on June 24, 2012.

IAB Note: When he was initially asked by Sergeant Cartmill if he had witnessed the incident, Witness [redacted] said he did not see anything. Sergeant Cartmill then erroneously listed Witness [redacted] as a witness in his supplemental report. Witness [redacted] was then contacted by Internal Affairs Bureau Sergeant John Trani. Witness [redacted] then stated that he had seen a portion of the incident. To view Witness [redacted] video recorded statement see **Exhibit G, Compact Disc Number Three, video #59, at 1:30 minutes into the recording**.

Witness [redacted] was re-interviewed by Internal Affairs Bureau Sergeant John Trani on June 25, 2012, at approximately 1518 hours,. The interview was conducted at NCCF, and was digitally audio recorded (**Exhibit H**).

Witness [redacted] stated that during the evening count he saw the suspect (Garcia) run toward the dorm's door. He said that there were several deputies standing in front



of the door that Suspect Garcia was running to. He said that when the suspect reached one of the deputies, he (suspect) "threw a couple of punches at him." He said he believes the suspect struck the deputy twice in the upper torso area of his body.

Witness [redacted] said that several deputies then took hold of the suspect and took him down to the ground. He said he saw one deputy strike the suspect in the back, utilizing his knee, as they took him down to the ground. Witness [redacted] said that after the suspect was taken down to the floor, he [redacted] was unable to see anything more. He said he was told by other deputies to put his head down, and he complied. He said he could then hear the inmate "screaming and hollering" unintelligibly.

Witness [redacted] is a Los Angeles County Jail inmate with a booking number of [redacted] When the incident occurred Witness [redacted] was assigned to Dorm 716 and was present. He was interviewed by NCCF Sergeant Cartmill on June 24, 2012.

Witness [redacted] stated that he saw the suspect (Garcia) run toward the door and run into some deputies. He said the deputies then took him down to the ground and subsequently walked him out of the dorm.

> **IAB Note:** To view Witness [redacted] video recorded statement see **Exhibit G, Compact Disc Number Three, video #58, at 11:42 minutes into the recording**.

Witness [redacted] was re-interviewed by Internal Affairs Bureau Sergeant John Trani on June 25, 2012, at approximately 1447 hours,. The interview was conducted at NCCF, and was digitally audio recorded (**Exhibit H**).

Witness [redacted] stated that during the evening count, he saw the suspect (Garcia) run toward the dorm's door. He said it appeared as though he "charged" toward a deputy that was standing next to the door. Witness [redacted] said that he then heard other deputies shout for all the inmates in the dorm to put their heads down. He said he complied with the deputies' orders, which caused him to lose sight of what was going on. He said he did not observe anything further.

SUSPECT'S INJURIES:

Suspect Garcia was initially treated in the North County Correctional Facility's Jail Infirmary. He was subsequently transported to Henry Mayo Newhall Memorial Hospital, located at 23845 McBean Parkway, in the city of Valencia. He was treated by Doctor Clay Cormier. During his treatment it was determined that Suspect Garcia sustained fractured ribs on the right side of his body (fourth, fifth and sixth rib). Suspect Garcia also had redness and bruising to his left knee, upper back, lower back, left shoulder, and right side of his neck.

IAB Note: Suspect Garcia's injuries were video recorded during Sergeant Cartmill's interview. See **Exhibit G**. Photographs of his injuries were also taken by Internal Affairs Bureau Sergeant John Trani. See **Exhibit F**. Suspect Garcia's "Inmate Medical Documentation" was obtained and reviewed by Internal Affairs Bureau Sergeant Carlos Flores. The medical documentation is included in this case book. See **Exhibit F**.

INJURIES TO DEPUTY PERSONNEL:

Deputy [redacted] injured his back during the incident. He was transported to and treated for his injuries at Henry Mayo Newhall Hospital.

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene.

INVESTIGATORS OBSERVATIONS:

Due to the time lapse between the incident and medical diagnosis of a fracture, Internal Affairs Bureau Sergeant John Trani responded to the scene several hours after the incident. The scene is a dorm room consisting of a concrete floor, and block walls.

IAB Note: Photographs of the scene are included in this report. See **Exhibit E.**

WEAPONS USED BY DEPUTY PERSONNEL:

Personal Weapons (Hands), and Flashlight

WEAPONS USED BY SUSPECTS:

Personal Weapons (Hands and Feet)

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Jail Investigations Unit, NCCF - Detective Dennis Salazar #[redacted]

Court: San Fernando Court

Charge: Battery on Peace Officer 243(b) PC

IAB Note: On July 30, 2012, the Los Angeles District Attorney's Office declined to file any charges against Suspect Garcia. The District Attorney's Office cited "Lack of sufficient evidence" as the reason for their decision. See **Exhibit B, Page 10**.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred in a well lit dorm room (716) at the North County Correctional Facility